

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY


(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

552, 432
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Applicant's or agent's file reference P103266PC00/DAN	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/US2004/016265	International filing date (day/month/year) 20.05.2004	Priority date (day/month/year) 23.05.2003
International Patent Classification (IPC) or national classification and IPC C08G77/38, C08L83/04, C09D183/04		
Applicant DOW CORNING CORPORATION et al.		
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 4 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>		
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>		
Date of submission of the demand 02.03.2005	Date of completion of this report 10.10.2005	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Buestrich, R Telephone No. +49 89 2399-7473	



**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/US2004/016265

Box No. 1 Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-11 as originally filed

Claims, Numbers

1-19 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/US2004/016265

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	12,17,18
	No: Claims	1-11,13-16,19
Inventive step (IS)	Yes: Claims	
	No: Claims	12,17,18
Industrial applicability (IA)	Yes: Claims	1-19
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

**INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)**

International application No.

PCT/US2004/016265

- 1 The following documents are referred to in this communication:

D1: US2001/036998

- 2 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of independent claims 1,7,13,14 and 19 is not new in the sense of Article 33(2) PCT.

In example 1 of D1 trimethoxysilane and methyl orthosilicate are cocondensed in the presence of a nitric acid catalyst to form a siloxane resin. Therefore, document D1 discloses a composition comprising a siloxane resin having the formula $(\text{HSiO}_{3/2})_a(\text{SiO}_{4/2})_b(\text{HSiX}_{3/2})_c(\text{SiX}_{4/2})_d$ according to claim 1 of the present application (cf. D1, paragraphs 0014-0018).

Hence, the subject-matter of claim 1 is not novel over D1.

D1 furthermore discloses a method for preparing a dyed siloxane resin composition comprising:

- (i) reacting a trialkoxysilane, a tetraalkoxysilane, and water, in the presence of a hydrolysis catalyst, to form a first siloxane resin having substantially no silicon-carbon bonds (cf. D1, example 1); and
- (ii) an anthracene-based compound, e.g. 9-anthracenemethanol (cf. D1, paragraph 0019).

Therefore the subject-matter of claims 7 and 13 is not novel over D1.

D1 discloses an anti-reflective coating made from (i) and (ii) on a silicon wafer (cf. D1, paragraph 0034).

Therefore the subject-matter of claims 14 and 19 is not novel over D1.

- 3 Dependent claims 2-6, 8-12 and 15-18 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step, see D1 and the corresponding passages cited in the search report.